

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
AUGUST 3, 1966

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, August 3, 1966, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - BROWN, CULBERTSON, HUNNELL,  
and WALTON (Mayor)

Absent: Councilmen - KIRSTEN

Also present were City Manager Graves, City Attorney Mullen and Planning Director Schroeder.

MINUTES

Minutes of July 20, 1966, were approved as written and mailed on motion of Councilman Culbertson, Brown second, after changing the word "Lodi" to "Capell" in the first sentence of paragraph numbered one under "Planning Commission" on page 3.

PUBLIC HEARINGS

APPEAL RE  
HARMAN'S SIGN  
820 W. LODI AVE.

Notice thereof having been published in accordance with law, Mayor Walton called for public hearing on the appeal of Harman's Kentucky Fried Chicken Cafe from the decision of the Planning Commission in denying their request for a use permit for a rotating sign at 820 West Lodi Avenue in an area zoned C-1 Neighborhood Commercial. The sign has been installed but cannot be rotated without a use permit. Mr. P. A. Augason, local manager of Harman's, said the rotating sign was a standard sign which was being used by Harman's throughout Northern California, the sign is lit up by neon tubing and is not flashing, and since there are no traffic lights in the vicinity, there would be no traffic hazard. There were no other persons in the audience who wished to speak for or against the appeal, so the public portion of the hearing was closed. Planning Director Schroeder explained the type and size of the sign which Harman's wish to rotate. Members of the Council were in agreement that they would like to see the sign rotate before making a decision, and on motion of Councilman Culbertson, Brown second, the matter was continued to the meeting of August 17, 1966.

S. SALAS APPEAL  
RE SIGN

Notice thereof having been published in accordance with law, the Mayor called for public hearing on the appeal of Mr. Sam Salas from the decision of the Planning Commission in denying his request for a variance in the maximum sign area permitted in the C-P Commercial-Professional zone to permit an existing funeral home sign to be relocated at 725 South Fairmont Avenue. Mr. Sam Salas, 725 S. Fairmont, said the sign would be painted to match the new building and would be installed on a low brick base. He felt it would be in harmony with the area. Councilman Brown moved that the matter of signs in the C-P zone be referred back to the Planning Commission for restudy. The motion was seconded by Councilman Culbertson, who then stated that perhaps the size of a sign should be related to the size of the area, mentioning the size of the sign at the Fairmont Avenue Church and at Memorial Hospital. Under the zoning ordinance a variance cannot be granted unless a hardship has been shown. On call of the question, the motion to refer the subject back to the

Minutes of August 3, 1966 continued

Planning Commission carried by unanimous vote. On motion of Councilman Brown, Culbertson second, the hearing on the appeal of Mr. Salas was continued until such time as a report was received from the Planning Commission.

REZONING SE COR  
LOWER SACTO RD  
& TURNER RD  
TO P-D

ORD. NO. 823  
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Walton called for public hearing on the recommendation of the Planning Commission to rezone from the R-1 Single Family Residential District to the P-D Planned Development District for approximately 18 acres at the southeast corner of Lower Sacramento Road and Turner Road, subject to certain conditions. Planning Director Schroeder read and explained the conditions being required covering development of the property. Councilman Culbertson questioned the paragraph which stated "An over-all landscaping plan shall be jointly developed by the land developer and the city staff for final approval by the Planning Commission." He felt it should be made clear that it was up to the developer to provide the plans for review by the city staff before being presented to the Planning Commission. Other members of the Council concurred. The Council was in agreement with the other conditions. Mr. John Capell, one of the developers of the property, felt there was a demand for the type of area being proposed which consists of condominium dwellings with the grounds being held in common. There were no others in the audience who wished to speak for or against the proposed rezoning. With the understanding that the paragraph on landscaping would be worded to indicate the landscaping plans would be prepared by the developer and reviewed by the city staff before submission to the Planning Commission, it was moved by Councilman Brown, Hunnell second, that the City Council introduce Ordinance No. 823 rezoning property at the southeast corner of Lower Sacramento Road and Turner Road to P-D(1). The motion carried unanimously.

ANNEX  
MILLS ESTATE  
ADDITION

RES. NO. 2970  
ADOPTED

Notice thereof having been published in accordance with law, the Mayor called for public hearing on the proposed annexation of the "Mills Estate Addition" to the City of Lodi. There was no one in the audience who wished to speak for or against the proposal. Councilman Culbertson moved the adoption of Resolution No. 2970 annexing the Mills Estate Addition to the City of Lodi. The motion was seconded by Councilman Brown and carried by unanimous vote.

ANNEX  
STOCKTON ST.  
ADDITION

RES. NO. 2971  
ADOPTED

Notice thereof having been published in accordance with law, the Mayor called for public hearing on the proposal to annex the "Stockton Street Addition." There was no one in the audience who wished to be heard on the proposal. On motion of Councilman Brown, Hunnell second, the City Council adopted Resolution No. 2971 annexing the Stockton Street Addition to the City of Lodi by unanimous vote.

#### PLANNING COMMISSION

Mr. Graves reported the following actions of the Planning Commission at its meeting of July 25, 1966:

1. Conditionally approved the tentative subdivision map of Lakewood Subdivision No. 4. This subdivision, proposed by Mr. Ted Schneider, Jr., consisting of 111 lots on 26 acres will complete development of the Willow Glen - Lakewood area.

and that the paragraph covering fencing for the Eastside Residential Area would be amended to require fencing along the south side thereof,

## Minutes of August 3, 1966 continued

2. Recommended that San Joaquin County Planning Commission approve the request of Meyer and Baumbach for a change in zoning from I-H, Interim Highway and I-A, Interim-Agriculture to EA-3/AP, Exclusive Agriculture/Agricultural Products for
  - a a parcel on the south side of Victor Road, 750 feet east of the Central California Traction Company tracks.
3. Denied the request of Mr. Dean Buttell for a variance in the maximum sign area permitted in the C-1 zone to permit the addition of a sign at 704-B West Lodi Avenue.
4. Denied the request of Mr. Manuel Sonora for a variance in the minimum lot area from 6000 square feet to 5500 square feet to permit the erection of a second dwelling unit at 436 East Tokay in the R-3 zone.
5. Set for public hearing a resolution which would establish a policy on structural connections between dwelling units.
6. Elected James Schroeder as Secretary and Vernon Delk as acting Secretary to act in the Secretary's absence. Deferred electing a Chairman and Vice Chairman until Council action on the expired terms of Commissioners Elliott and Norby.

## COMMUNICATIONS

DEAN BUTTELL  
APPEAL RE SIGN

A letter was read from Mr. Dean Buttell appealing the decision of the Planning Commission which denied his request for a variance in the maximum sign area permitted in the C-1 zone to permit the addition of a sign at 704-B West Lodi Avenue. The City Clerk notified the Council that the letter had been filed one day after the deadline required by the zoning ordinance. Mr. Dean Buttell, 704-B West Lodi Avenue, said he misunderstood concerning the deadline for filing and asked the Council to consider his appeal. It was suggested that Mr. Buttell work with his landlord in regard to his sign since the size of his sign is affected by the size of other signs on the property. Councilman Brown moved that the late filing of one day be waived and that the matter be set for public hearing on August 17, 1966. The motion was seconded by Councilman Hunnell and carried unanimously.

## ABC LICENSE

A Notice of Alcoholic Beverage License was received, being a Person to Person Transfer for James A. and Marilyn Brookes, and Leona D. Frazier, On Sale General, El Rancho, 621 N. Cherokee Lane.

## REPORTS OF THE CITY MANAGER

## CLAIMS

Claims in the amount of \$164,351.32 were approved on motion of Councilman Brown, Culbertson second.

AWARD -  
SANITARY SEWER  
WALNUT ST.

Mr. Graves reported that the following bids had been received on the Sanitary Sewer - Walnut Street between Rose and Hutchins:

RES. NO. 2972  
ADOPTED

Certified Pipe & Const. Co.	\$5,003.50
Engineered Pipe, Inc.	6,382.65
Acme Septic Tank & Drilling Co.	6,544.50
Tompkins & Gallaven	7,767.50
William Burkhardt	7,895.00

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The City Manager recommended that award be made to the low bidder. On motion of Councilman Culbertson, Brown second, the City Council adopted Resolution No. 2972 awarding the contract for the Sanitary Sewer - Walnut Street between Rose and Hutchins - to Certified Pipe and Construction Company for \$5,003.50

AWARD -  
BASIN A-1  
SPRINKLERS &  
TURFING

The following bids on the A-1 Retention Basin Sprinkler System and Turfing - Unit No. 1 - were presented for Council consideration:

RES. NO. 2973  
ADOPTED

Bibens Nursery	\$38,879.00
Cioli & DaRe	39,500.00
Talini Landscaping	39,600.00
Rubino & Gullickson	43,999.00
Kawamura Landscaping	56,400.00

Mr. Graves recommended that award be made to the low bidder. On motion of Councilman Hunnell, Culbertson second, the City Council adopted Resolution No. 2973 awarding the contract for the Basin A-1 sprinkler system and turfing to the low bidder, Bibens Nursery, for a total of \$38,879.00.

AWARD -  
CHLORINATION  
FACILITIES

Two bids were received for construction of Chlorination Facilities, as follows:

RES. NO. 2974  
ADOPTED

Certified Sewer Service	\$18,474.00
Richardson & Von Raesfeld	19,476.00

Mr. Graves recommended that award be made to the low bidder. On motion of Councilman Culbertson, Brown second, the City Council adopted Resolution No. 2974 awarding the contract for construction of Chlorination Facilities to the low bidder, Certified Sewer Service, for a total amount of \$18,474.00.

CLAIM -  
REPUBLIC  
CONSTRUCTION  
COMPANY

In reference to the claim received by the Council at the July 20 meeting from Mr. Thos. J. Doyle, Republic Construction Company, Mr. Graves stated that he had met with the City Attorney and the Public Works Director. Mr. Doyle claims that he encountered extra expense on the Lodi Lake Pump project because of a leaky gate valve and is asking to be recompensed therefor in the amount of \$150. Mr. Graves explained that gate valves always have some leakage and that the specifications require that the bidder examine the site; however, he recommended that the claim be granted. Councilman Culbertson moved that the claim of Republic Construction Company in the amount of \$150 be paid. His motion was seconded by Councilman Brown and carried by the following vote:

AYES: Councilmen - BROWN, CULBERTSON and HUNNELL

NOES: Councilmen - WALTON

ABSENT: Councilmen - KIRSTEN

LICENSING OF  
HOME  
OCCUPATIONS

Mr. Graves gave a report on the licensing of home occupations, stating that persons earning \$1,000 per year or less in such occupations are required to obtain a license but no charge therefor is made. The City Code has no exemptions for veterans, as such. Persons earning more than \$1,000 must pay a license fee. If a person were selling door to door he would need to pay for a license. Persons having questions concerning business licenses should see the Finance Director.

## Minutes of August 3, 1966 continued

REPORT ON  
1911 IMPROVEMENT  
ACT POSTPONED

Mayor Walton stated that he had received a phone call from Mr. Robert Blewett requesting that consideration of the 1911 Improvement Act be continued to the meeting of August 17. The Council agreed that the matter be postponed to that date.

SPECS -  
MILLS AVE.

Mr. Graves presented plans and specifications for the reconstruction of Mills Avenue from approximately 100 feet north of Elm Street to Capell Drive. On motion of Councilman Culbertson, Hunnell second, the City Council adopted the specifications for the reconstruction of Mills Avenue and authorized calling for bids thereon.

TREES ON  
CHURCH STREET  
N OF PINE

City Manager Graves reported that the Farmers & Merchants Bank would like to have the two elm trees on the east side of Church Street adjacent to their property removed before their parking lot is constructed. Since Church Street is to be widened in the coming year, a determination will have to be made regarding these trees and the trees on the opposite side of the street in front of Viola's Dress Shop. Mr. Paul Tritenbach, landscape architect, had suggested that the trees be retained with a no parking zone where they projected into the street when widened, and Mr. Graves recommended this solution rather than removal of the trees. Councilman Brown said a study should be made first and Councilman Culbertson suggested that the Bank be contacted in regard to its plans for the development of the parking lot.

FURNISHINGS  
FOR PUBLIC  
SAFETY BLDG.

Mr. Graves stated that someone is needed to study the decorating and furnishing requirements for the interior of the Public Safety Building. He had discussed this matter with Mr. Varner who suggested a firm in Southern California by the name of Zimmer and Associates. Mr. Zimmer had subsequently come to Lodi to see Mr. Graves. Mr. Graves said he was impressed with the ideas of Mr. Zimmer and recommended that he be retained by amending the City's contract with Mr. Varner and having Mr. Zimmer work under him. The fee would be 5% of the cost of equipment and material purchased with a minimum fee of not less than \$1,000. Councilman Culbertson moved that the contract with Marion J. Varner & Associates be amended to include the services of Zimmer and Associates at the price quoted. The motion was seconded by Councilman Hunnell and carried by unanimous vote.

WEEDS ON  
HAM LANE

Councilman Hunnell asked if something could be done about the weeds on the east side of Ham Lane from approximately the Senior Elementary School to Kettleman Lane. Since lots abutting this area are reverse frontage lots, the right of way between the sidewalk and curb is not taken care of and is unsightly. Mr. Graves said he would check into this matter.

TRAFFIC  
PROBLEM AT  
MILLER'S  
MILLWORK MART

Mr. Hunnell then mentioned the problem created by traffic in the alley abutting Miller's Millwork Mart, particularly the trucks that stop to load and unload. Also, cars are parked along California Street next to the alley, making visibility poor. He suggested that a red zone on California Street on each side of the alley might help. Councilman Culbertson suggested that a letter be written to Mr. Miller asking him to curtail blocking the alley.

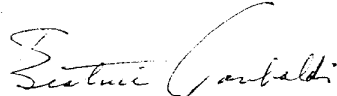
Minutes of August 3, 1966 continued

EXECUTIVE  
SESSION

The Council then went into an executive session for ten minutes.

ADJOURNMENT

The Council reconvened at 10:05 p.m. and adjourned on motion of Councilman Culbertson, Brown second.

  
Attest: Beatrice Garibaldi  
City Clerk